

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL
INC., AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00477-ADA

Case No. 6:20-cv-00482-ADA

JURY TRIAL DEMANDED

**DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF
DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF
REGARDING PATENT NOS. 7,424,020 & 8,913,489**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc. and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the October 3, 2006 Non-Final Rejection, from the file history of U.S. Patent No. 7,424,020. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on March 13, 2021.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the April 3, 2007 Final Rejection, from the file history of U.S. Patent No. 7,424,020. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on March 13, 2021.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the June 25, 2007 applicant's argument, from the file history of U.S. Patent No. 7,424,020. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on March 13, 2021.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the October 3, 2002 claims, from the file history of U.S. Patent No. 7,424,020. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on March 13, 2021.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the January 3, 2007 applicant's argument, from the file history of U.S. Patent No. 7,424,020. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on March 13,

2021.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the MPEP section 2181, retrieved from the United States Patent Office's website (<https://www.uspto.gov/web/offices/pac/mpep/s2181.html>) on March 14, 2021.

8. Attached hereto as **Exhibit 7** is a true and correct copy of Plaintiff's Disclosure of Extrinsic Evidence and Defendants' Identification of Extrinsic Evidence, both dated January 27, 2021.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the October 5, 2007 Non-Final Rejection, from the file history of U.S. Patent No. 7,424,020. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on March 13, 2021.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the February 4, 2008 applicant's argument, from the file history of U.S. Patent No. 7,424,020. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on March 13, 2021.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from Concise Telecom Networking Dictionary, dated 2000 and bearing the bates numbers Dell-WSOU-CC-000008–014.

12. Attached here as **Exhibit 11** is a true and correct copy of excerpts from Telecommunications: Glossary of Telecommunication Terms, dated August 7, 1996, retrieved from <https://www.its.bldrdoc.gov/fs-1037/fs-1037c.htm> on January 22, 2021 and bearing the bates numbers Dell-WSOU-CC-000480–485.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the definitions of “bus topology” and “network topology,” retrieved from the ATIS Telecom Glossary

(<https://glossary.atis.org>) on January 27, 2021 and bearing the bates numbers Dell-WSOU-CC-000522–524.

14. I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 17, 2021

/s/ Brian A. Rosenthal
Brian A. Rosenthal